

# HB 101 - VOTER ID BILL

## TALKING POINTS

HB 918 Betty Brown

HB 626 Phil King

My husband was chairman of the ballot security for Harris Co. Rep. Party and we both could tell some interesting stories.

In 1989, the U.S. Supreme Court wrote that "A State indisputably has a compelling interest in pre-serving the integrity of its election process." This is the basic purpose behind HB 101: the attempt to protect every citizen's right to vote.

If someone who is not allowed to vote casts one anyway, that vote cancels out the honest vote of another citizen, therefore denying them the right to have their vote count.

Of course, throughout the process, it is important to make sure that no one is disenfranchised by the voting process. It may be slightly less convenient, but the power of your vote is worth protecting, and it is certainly worth taking 10 minutes to find the proper identification before you go vote.

There are those who have fought & died & continue to fight & die for our freedom to vote. It would be disrespectful to their courage & memory if we allowed our ballot boxes become compromised.

### WHAT THE BILL DOES

- This bill does two things:
- First it requires that you must prove citizenship when you register to vote.

#### Ways to prove citizenship:

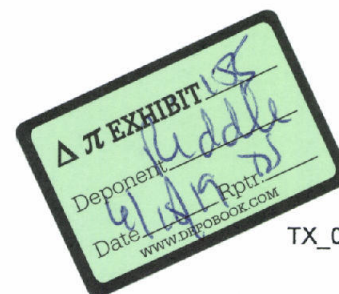
- providing a copy of a birth certificate.
- U.S. Citizenship papers.
- An unexpired U.S. passport issued to the applicant.

Second, it says that in order to vote, you must submit one form of photo ID or two forms of non-photo ID

- Examples of acceptable Photo ID:
  - Driver's license (can even be from out-of-state if it's valid and unexpired).
  - Military ID
  - Employee ID card that has your picture on it.

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Co-Chairman of the  
Harris County  
Republican Party

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- US Citizen's certificate that contains the person's photograph.
- Student ID with your picture on it.
- Concealed handgun license.
- State ID card with your picture on it.
- ID card issued by county clerk or elections officer with your picture on it.
- Or the commissioner's court of a county may authorize the issuance of a photo ID card to be used as a proof.

- Examples of acceptable NON Photo ID (show two forms of these):

- Official mail sent to you by a governmental entity.
  - Birth certificate.
  - Citizenship papers
  - Original copy of a marriage license or divorce decree
  - Court records of the person's adoption, name change, or even sex change (it happens!)
  - An ID card for public benefits from the state or Feds, i.e. veteran's benefits, Medicaid, Medicare, etc.
  - A temporary driving permit issued by DPS
  - An FAA pilot's license
  - A library card that has your name on it.
  - A hunting or fishing license
- The bill also mandates the DPS issue free photo IDs for those who sign an affidavit stating that they're indigent, if they're a registered to vote or they are eligible to be registered to vote.
  - If you don't have your ID, you can still submit a provisional ballot, and that ballot will be counted and confirmed if you provide the proper identification to the registrar within a 5-day period.

#### **OTHER STATES WITH SIMILAR LAWS**

- 19 states currently have laws requiring either a photo ID or non-photo ID to vote. Arizona is one of them.
- Two states, Florida and Indiana, have states mandating ONLY a photo ID.

- ✓ • Georgia and Missouri have both had their ID laws struck down.
- ✓ • Georgia's was because they charged for their ID, and that was an obvious oversight that we have corrected here in Texas.
- ✓ • Missouri's was struck down by the Missouri State Supreme court on a few different grounds, but all were generally because it was in violation on Missouri's constitution, and the circuit court agreed. But that's Missouri and their courts. What will happen in Texas could be decidedly different, because a ruling would be based on Texas court's ruling of Texas' constitution.
- Arizona's law was enjoined by the 9th Circuit Court of Appeals, but they issued no findings or reasoning and as a result, the U.S. Supreme Court vacated that ruling.
- The U.S. Supreme Court did not make any final decision on the issue but did seem to indicate that they felt like Arizona's law provided plenty of "outs" for those who did not have a photo ID. Our bill does the same thing.
- Our bill is patterned after Proposition 200 in Arizona.

~~The~~ Our good friend the former Representative Mary Denny presented this bill last session. My bill ~~is is very much~~ replicates her bill with the various amendments she accepted.

~~In Clos~~

**Texas Voter Registration Application**  
Prescribed by the Office of the Secretary of State VR17web.00E.pdf Print Reset

**Complete These Questions Before Proceeding**

Check one ☐ New ☐ Change ☐ Replacement

Are you a United States Citizen? ☐ Yes ☐ No

Will you be 18 years of age on or before election day? ☐ Yes ☐ No

~~If you check "No" in answer to either of the above, do not complete this form.~~

Are you interested in serving as an election worker? ☐ Yes ☐ No

*Continue below to complete application.*

Last Name	First Name	Middle Name (if any)	Former Name
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Residence Address: Street Address and Apartment Number, City, State, and ZIP Code. If none, describe where you live. (Do not include P.O. Box or Rural Rt.)

Mailing Address: Street Address and Apartment Number or P.O. Box, City, State and ZIP Code: If mail cannot be delivered to your residence address.

Date of Birth: month, day, year	Gender (Optional) <input type="checkbox"/> Male <input type="checkbox"/> Female	<p>I understand that giving false information to procure a voter registration is perjury, and a crime under state and federal law. Conviction of this crime may result in imprisonment up to 180 days, a fine up to \$2,000, or both.</p> <p>I affirm that I</p> <ul style="list-style-type: none"> <li>• am a resident of this county;</li> <li>• have not been finally convicted of a felony or if a felon I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned; and</li> <li>• have not been declared mentally incompetent by final judgment of a court of law.</li> </ul>
TX Driver's License No. or Personal I.D. No. (Issued by the Department of Public Safety)		
<input type="checkbox"/> Check if you do not have a TX Driver's License, or Personal Identification Number If no TX Driver's License or Personal Identification, give last 4 digits of your Social Security Number		
<input type="checkbox"/> Check if you do not have a Social Security Number		

Telephone Number, include Area Code (Optional)

Date

**X**

Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by Witness and Date.

**Qualifications**

- You must register to vote in the county in which you reside.
- You must be a citizen of the United States.
- You must be at least 17 years and 10 months old to register, and you must be 18 years of age by election day.
- You must not be finally convicted of a felony, or if you are a felon, you must have completed all of your punishment, including any term of incarceration, parole, supervision, period of probation, or you must have received a pardon.

**General Information**

- Your voter registration will become effective 30 days after it is received or on your 18th birthday, whichever is later.
- If you move to another county, you must re-register in the county of your new residence.
- If you decline to register to vote, the fact that you have declined to register will remain confidential and will be used only for registration purposes. If you do register to vote, the identity of the office (if applicable) at which you submitted a voter registration application will remain confidential and will be used only for voter registration purposes.
- You must provide your Texas driver's license or personal identification number. If you do not have a driver's license or personal identification number, then give the last four digits of your social security number or if you do not have any of these identification numbers, then you must indicate by checking the appropriate box on the application side.

**Identification Requirement**

If you do not have a Texas driver's license or a social security number, you will be required to present identification when you vote in person or enclose a copy of such identification with your ballot if you vote by mail. Instead, you may enclose a copy of one of the following with this voter registration application. Identification includes: a current and valid ID; a copy of a current utility bill; bank statement; government check; paycheck; or other government document that shows your name and address.

Please complete sections by printing legibly. If you have any questions about how to fill out this application, please call your local voter registrar or the Secretary of State's Office toll free at 1-800-252-VOTE (8683).  
TDD 1-800-735-2989, [www.sos.state.tx.us](http://www.sos.state.tx.us)

Este formulario está disponible en Español. Favor de llamar sin cargo a la oficina del Secretario de Estado al 1-800-252-8683 para conseguir una versión en Español.

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USCIS Civic Flash Card



- <sup>1</sup> Jeffrey S. Passel, Pew Hispanic Center, "The Size and Characteristics of the Unauthorized Migrant Population in the U.S." <http://pewhispanic.org/files/reports/61.pdf>
- <sup>2</sup> U.S. Department of State, "How to Apply in Person for a Passport"; [http://travel.state.gov/passport/get/first/first\\_830.html](http://travel.state.gov/passport/get/first/first_830.html)
- <sup>3</sup> Ann McGeehan, Director of Elections, Secretary of State; letter dated June 15, 2006
- <sup>4</sup> Help America Vote Act of 2002, Section 303(a)(5)(A)(i), Page 116 STAT. 1711 [http://www.fec.gov/hava/law\\_ext.txt](http://www.fec.gov/hava/law_ext.txt)
- <sup>5</sup> Claire McGuinness, Senior Staff Attorney, Drivers License Division, Texas Department of Public Safety; Submitted Friday, June 2, 2006; response received Tuesday, June 13, 2006.
- <sup>6</sup> Help America Vote Act of 2002, Section 303(a)(5)(A)(ii); See also: Texas Election Code §13.002(c)(8)
- <sup>7</sup> Ira Mehlman, National Review, "Funding Fraud – Hermandad Mexicana Nacional", March 24, 1997; [http://www.findarticles.com/p/articles/mi\\_m1282/is\\_n6\\_v49/ai\\_19254701](http://www.findarticles.com/p/articles/mi_m1282/is_n6_v49/ai_19254701)
- <sup>8</sup> 105<sup>th</sup> Congress, 2d Session, Committee on House Oversight, House Report 105-416, "Dismissing The Election Contest Against Loretta Sanchez"; <http://thomas.loc.gov/cgi-bin/cpquery/z?cp105:hr416>
- <sup>9</sup> Peter M. Warren, Los Angeles Times, "Noncitizens Say They Voted in Key O.C. District", December 27, 1996;
- <sup>10</sup> 105<sup>th</sup> Congress, 2d Session, H. RES. 355 [Report No. 105-416]; February 12, 1998; <http://thomas.loc.gov/cgi-bin/query/D?c105:1:/temp/~c105UzSDNg::>
- <sup>11</sup> Dani Dodge, San Diego Union-Tribune, "Busby on Defense, Says She Misspoke", June 3, 2006
- <sup>12</sup> John Fund, "Stealing Elections: How Voter Fraud Threatens Our Democracy"
- <sup>13</sup> Testimony of Paul Bettencourt Before Committee on House Administration, June 22, 2006; <http://www.hctax.net/forms/testimonyofPaul.pdf>
- <sup>14</sup> Voter registration records provided by the Harris County Voter Registration Department
- <sup>15</sup> Federation for American Immigration Reform, "Extended Immigration Data for Texas", 2005 FAIR estimate; [http://www.fairus.org/site/PageServer?pagename=research\\_research2891](http://www.fairus.org/site/PageServer?pagename=research_research2891)
- <sup>16</sup> U.S. Census Bureau, "State & County QuickFacts; Texas"; <http://quickfacts.census.gov/qfd/states/48000.html>
- <sup>17</sup> Office of the Secretary of State, 2004 General Election returns, Harris County; <http://elections.sos.state.tx.us/elchist.exe>
- <sup>18</sup> Voter registration records provided by the Harris County Voter Registration Department
- <sup>19</sup> Guinn v. United States, 238 U.S. 347 (1915)
- <sup>20</sup> Smith v. Allright, 321 U.S. 649 (1944)
- <sup>21</sup> Harper v. Virginia Board of Elections, 383 U.S. 663 (1966)
- <sup>22</sup> Chief Justice Earl Warren, Reynolds v. Sims, 377 U.S. 533 (1964), Part III
- <sup>23</sup> Voting Rights Act of 1965, Section 5; [http://www.usdoj.gov/crt/voting/sec\\_5/about.htm](http://www.usdoj.gov/crt/voting/sec_5/about.htm)
- <sup>24</sup> League of United Latin American Citizens, et al. v. Rick Perry, Governor of Texas et al., Part III, Section C, Page 33
- <sup>25</sup> League of United Latin American Citizens, Press Release, "Hispanic Voters Vindicated in LULAC vs Perry Texas Redistricting Case.", June 28, 2006; <http://www.lulac.org/advocacy/press/2006/perry1.html>
- <sup>26</sup> Public Law 109-13, Division B, Title II (109<sup>th</sup> Congress, H.R. 1268); <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:HR01268:@@:@D&summ2=m&>
- <sup>27</sup> 109<sup>th</sup> Congress, 2d Session, S.2611 ES, "Comprehensive Immigration Reform Act of 2006", passed in the Senate on May 25, 2006;
- <sup>28</sup> Senator Mitch McConnell, "Statement Of U.S. Senator McConnell On His Amendment To Require A Photo ID To Vote", May 24, 2006; <http://mccconnell.senate.gov/record.cfm?id=256023&start=21>
- <sup>29</sup> Report of the Commission on Federal Election Reform, "Building Confidence in U.S. Elections", September 2005; [http://www.american.edu/ia/cfer/report/full\\_report.pdf](http://www.american.edu/ia/cfer/report/full_report.pdf)
- <sup>30</sup> 109<sup>th</sup> Congress, 2d Session, H.R. 4844, "Federal Election Integrity Act of 2006"
- <sup>31</sup> Testimony of Paul Bettencourt Before Committee on House Administration, June 22, 2006; <http://www.hctax.net/forms/testimonyofPaul.pdf>
- <sup>32</sup> Maria M. Gonzalez, et al. v. State of Arizona, No. CV 06-1268-PHX-ROS
- <sup>33</sup> Ibid., Page 9
- <sup>34</sup> Georgia General Assembly, H.B. 244, [http://www.legis.state.ga.us/legis/2005\\_06/pdf/hb244.pdf](http://www.legis.state.ga.us/legis/2005_06/pdf/hb244.pdf)
- <sup>35</sup> Darryl Fears, Washington Post, "Voter ID Law is Overturned", October 28, 2005; <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/27/AR2005102702171.html>

<sup>36</sup> Georgia General Assembly, S.B. 84 [http://www.legis.state.ga.us/legis/2005\\_06/pdf/sb84.pdf](http://www.legis.state.ga.us/legis/2005_06/pdf/sb84.pdf)

<sup>37</sup> Errin Haines, Associated Press (printed in The Washington Times), "Ga. Judge Blocks Voter ID Law Enforcement", July 13, 2006;

[http://hosted.ap.org/dynamic/stories/G/GEORGIA\\_VOTER\\_ID?SITE=DCTMS&SECTION=HOME&TEMPLATE=DEFAULT](http://hosted.ap.org/dynamic/stories/G/GEORGIA_VOTER_ID?SITE=DCTMS&SECTION=HOME&TEMPLATE=DEFAULT)

<sup>38</sup> 79<sup>th</sup> Legislature, May 3, 2005, House Bill 1706, H- 473 Third Reading and Final Passage

<sup>39</sup> American Civil Liberties Union, "ACLU Challenges Albuquerque Voter ID Law" November 2, 2005;

<http://www.aclu.org/votingrights/access/21256prs20051102.html>

<sup>40</sup> American Civil Liberties Union, "Civil Rights Groups Urge Department of Justice to Block New Georgia Photo ID Law", March 29, 2006; <http://www.aclu.org/votingrights/er/24774prs20060329.html>

<sup>41</sup> See Transportation Code §521.426, Disabled Veteran Exemption

<sup>42</sup> Health and Human Services Commission, Temporary Assistance for Needy Families;

<http://www.hhsc.state.tx.us/programs/TexasWorks/TANF.html>

<sup>43</sup> Health and Human Services Commission, The Food Stamp Program;

<http://www.hhsc.state.tx.us/programs/TexasWorks/foodstamp.html>

<sup>44</sup> Office of the Secretary of State; <http://www.sos.state.tx.us/elections/historical/70-92.shtml>

<sup>45</sup> Department of Public Safety, Driver's License Division, review of Federal Highway Administration reports

<sup>46</sup> Department of Public Safety, Driver's License Division

<sup>47</sup> Claire McGuinness, Senior Staff Attorney, Drivers License Division, Texas Department of Public Safety; Submitted Thursday, July 13, 2006; response received Monday, July 17, 2006.

<sup>48</sup> Office of the Secretary of State; <http://www.sos.state.tx.us/elections/historical/70-92.shtml>

<sup>49</sup> Voter Registration Education Project, "Harsh Voter Provisions in Arizona Proposition 200 Will Reduce Voting"; [http://www.svrep.org/press\\_room/press\\_releases/06/prop\\_200\\_probs.html](http://www.svrep.org/press_room/press_releases/06/prop_200_probs.html)

<sup>50</sup> Ibid.

<sup>51</sup> Jeffrey S. Passel, Pew Hispanic Center, "The Size and Characteristics of the Unauthorized Migrant Population in the U.S." <http://pewhispanic.org/files/reports/61.pdf>